

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 11-20 are pending in this application.

The outstanding Office Action includes a rejection of Claim 11 under 35 U.S.C. §102(b) as being anticipated by Neary et al. (U.S. Patent No. 3,882,721 Neary) and a rejection of Claims 12-20 under 35 U.S.C. §103(a) as being unpatentable over Neary in view of Catagrel et al. (EPO 0100715, Catagrel).

Before considering the outstanding rejections, it is believed that a brief summary of the present invention would be helpful. In this regard, the present invention is directed to a weather vane for measuring orientation of the wind that has a rotary base and a vane sensitive to that wind that is fixed by a joint to that base. A heater shaped as a parallelepiped is inserted into the vane that is hollow through an insertion orifice that is situated in the base of the vane. This orifice is large enough for the heater to be inserted through the base into the hollow portion of the vane.

Turning to the rejection of Claim 11 as being anticipated by Neary, the basis for asserting anticipation is not clear. In this respect, Claim 11 recites the "vane is hollow" but the vane of Neary is not hollow because it has an "embedded" heater wire 55 (col. 3, lines 39-40). To "embed" is to fix firmly in a surrounding mass or to enclose snugly or firmly, to make an integral part of. See the page 447 definition of "embed" from the American Heritage Dictionary attached hereto. Compare the attached page 617 definition of "hollow" as having a cavity, gap or space within or being deeply indented or concave.

It is by now axiomatic that all words in the claim must be considered. See In re Wilson, 165 USPQ 494,496 (CCPA 1970). It is further well established that while claim language is to be read as broadly as is reasonable, this broadest reasonable interpretation must be consistent with the broadest reasonable meaning of the words in ordinary usage as they would be considered by one of ordinary skill in the art. See In re Morris, 44USPQ2d 1023, 1027 (Fed. Cir. 1997) and Toro Co. v. White Consol. Indus., Inc., 53USPQ2d 1065, 1067 (Fed. Cir. 1999).

Accordingly, as there is no reasonable basis for interpreting the “quite thin” (col. 2, line 3) vane of Neary with an “embedded” wire as having a “hollow” portion, the §102 anticipation rejection based upon this reference is clearly improper and traversed.

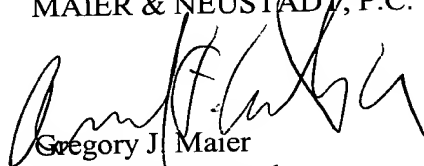
Turning to Claims 12-20, it is noted that nothing is taught or suggested by Catagrel that cures the deficiency noted above as to Neary not teaching or suggesting a reason to replace the Neary vane with one having a hollow therein. Accordingly, Claims 12-20 clearly define over anything reasonably taught or suggested by Neary and/or Catagrel whether these references be considered alone or together in any proper combination. In addition, each of Claims 12-20 adds additional features that are not reasonably taught or suggested by the applied references. Accordingly, Claims 12-20 should be considered patentable for these reasons as well.

Appln. No. 09/856,505
Reply to Office Action of March 20, 2003

As no further issues are believed to remain outstanding on this application, it is believed that this application is clearly in condition for formal allowance and early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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